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REMARKS

This Amendment is being submitted in response to the final Official Action dated 20 October 2008, the deadline for response being 20 January 2009. The proposed amendment is calculated to avoid a second Appeal. It raises no new issues and entry is respectfully requested. Claims 1-4 remain pending in this application. Allowance of this application is respectfully requested.

The Examiner has again rejected claims 1-3 under 35 U.S.C. §103(a) as being unpatentable over the Bennett and Jones references (U.S. Patent Application Nos. 10/014,685 and 6,256,922, respectively) and has again rejected claim 4 as obvious over these references along with Broun (US 5,431,970). The Examiner maintains that Bennett discloses all limitations claimed by the applicant except for the fabric outer shell and the sidelong access opening, while Jones suggests the fabric material (see Col. 4: 30-33), and a sidelong opening covered by a flap (see Figure 1, portions denoted by numbers 100, 200, 50, 60, 90. See also Figure 7).

Applicant respectfully resubmits that its gun case employs a particular flap arrangement that permits the entire gun case to be easily inverted for internal cleaning. This is made possible by a gun-insertion opening covered by a first flap, and a *conjoined* sidelong opening running substantially the length of the gun case and covered by a second elongate flap. The scope and spirit of applicant's invention is recited in the whereby clause of claim 1, which states "*whereby when both of said first and second flaps are moved to their respective open positions to fully expose said conjoined sidelong and end access openings they allow the gun case to be quickly turned inside out for cleaning and/or drying.*" This is clearly not possible with Bennett because the only access opening is a small gun-insertion opening through which the gun case cannot readily be inverted, and there is only one flap. Jones discloses a firearm jacket with multiple

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flaps and openings each openable to expose the trigger, cartridge, and sight to permit the firearm to be discharged while encased in the firearm casing. Jones does not teach or suggest applicant's flap arrangement which facilitates inversion for cleaning. Nevertheless, the Examiner combines Bennett's end opening/flap with Jones' sidelong opening covered by a flap (Figure 1, portions denoted by numbers 100, 200, 50, 60, 90, and contends that it would have been obvious to make the two openings contiguous. In support of this the Examiner states "The flaps of Jones are of unitary construction with the casing and therefore would be considered continuous (Figure 7)." Note that FIG. 7 is just a partial view of Jones' device showing just the lower portion of the inside of the firearm casing 10. This does not support the Examiner's contention that the flaps of Jones are of unitary construction with the casing and therefore would be considered continuous. They are not. Indeed, it is clear in FIGs. 1 and 10 that Jones teaches distinct side and end flaps/openings, and not an "elongate enclosure permanently closed along one side and said end, and open along a majority of another side and end and defining conjoined sidelong and end access openings". Jones does not teach or suggest this because he is not at all concerned with inverting the device for cleaning. Therefore, there is absolutely no support for the Examiner's conclusion that "Once modified with a sidelong opening at the rear and mid portions, Bennett-Jones would have a *conjoined* sidelong and end access opening and be fully capable of being turned inside-out. Bennett-Jones would not have a conjoined sidelong and end access openings, and turning the item inside-out is not an intended use but an express limitation recited in claim 1 which cannot be ignored.

Applicant herein proposes an amendment to make this more clear and further distinguish Bennett/Jones. Specifically, claim 1 is amended to require "*said first and second foldover flaps being movable to the closed position to completely close access to the fabric enclosure and a*

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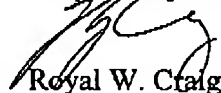
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long gun inserted therein, said first foldover flap being movable to said open position to permit withdrawal of said long gun, and both of said first and second flaps being movable to their respective open positions to fully expose said conjoined sidelong and end access openings they allow the gun case to be quickly turned inside out for cleaning and/or drying.” Neither Bennett nor Jones teach or suggest applicant’s structure or function, and claim 1 is now distinguished.

Claims 2-4 depends on claim 1, thus it is believed that claims 2-4 are likewise patentably distinguished.

In view of the above, pending claims 1-4 are believed to avoid all the rejections set forth in the final Official Action. The case should be in allowance. The Examiner is requested to enter the proposed amendment to claim 1 to facilitate prosecution. The amendment was not earlier presented because it was prompted by the Official Action of 20 October 2008. A Notice to this effect is respectfully requested, and the Examiner is invited to call the undersigned at (410) 347-7303 to discuss any remaining issues.

Respectfully submitted,



Royal W. Craig

Reg. No. 34,145

(410) 347-7303

Attorney for Applicant

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Ober, Kaler, Grimes & Shriver
120 East Baltimore Street
Baltimore, MD 21202-1643